

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|-----------------------------------|---|-----------------------|
| BAYER HEALTHCARE AG, ALCON, INC., |) | |
| and ALCON MANUFACTURING, LTD., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | C.A. No. 06-234 (SLR) |
| |) | |
| TEVA PHARMACEUTICALS USA, INC., |) | |
| |) | |
| Defendant. |) | |
| |) | |

AGREEMENT REGARDING ELIMINATION OF DUPLICATE EXHIBITS

Pursuant to the Court's February 12, 2008 Order, the parties have conferred to eliminate any duplicative exhibits appearing on both sides' exhibit lists. For the convenience of the Court and the parties, rather than create a third list of exhibits containing those documents listed on both parties' lists, Defendant has removed all exhibits which also appear on Plaintiffs' Exhibit List from Defendant's Exhibit List, and the parties have agreed to use at trial the PTX version of each such document. The parties agree that either side may introduce exhibits bearing a "PTX" number and that no inference should be drawn from and no significance attached to the fact that an exhibit bears a "PTX" as opposed to a "DTX" trial exhibit number. The documents affected by this Agreement are as follows:

| |
|-------------------|
| <u>PTX</u> |
| 1 |
| 2 |
| 3 |

| <u>PTX</u> |
|-------------------|
| 4 |
| 5 |
| 6 |
| 7 |
| 11 |
| 12 |
| 18 |
| 20 |
| 65 |
| 66 |
| 87 |
| 101 |
| 115 |
| 130 |
| 135 |
| 137 |

| <u>PTX</u> |
|-------------------|
| 141 |
| 153 |
| 157 |
| 170 |
| 303 |
| 223 |
| 225 |
| 226 |
| 241 |
| 264 |
| 276 |
| 363 |
| 393 |
| 1025 |
| 1052 |
| 1058 |

| <u>PTX</u> |
|-------------------|
| 1061 |
| 1062 |
| 1063 |
| 1065 |
| 1066 |
| 1080 |
| 1092 |
| 1095 |
| 1096 |
| 1098 |
| 1099 |
| 1100 |
| 1101 |
| 1102 |
| 1107 |
| 1112 |

| |
|------------|
| PTX |
| 1113 |
| 1114 |
| 1117 |
| 1118 |
| 1124 |
| 1125 |
| 1126 |
| 1133 |
| 1134 |

SO ORDERED this _____ day of February, 2008.

Sue L. Robinson
United States District Judge

JOINTLY SUBMITTED BY

/s/ Frederick L. Cottrell, III

Frederick L. Cottrell, III (#2555)
Cottrell@rlf.com
Jeffrey L. Moyer (#3309)
moyer@rlf.com
Anne Shea Gaza (#4093)
gaza@rlf.com
RICHARDS, LAYTON & FINGER, P.A.
One Rodney Square
920 North King Street
Wilmington, Delaware 19801
(302) 651-7700 (telephone)
(302) 651-7701 (facsimile)

OF COUNSEL:

Bruce R. Genderson
Adam L. Perlman
David I. Berl
Dov P. Grossman
Stanley E. Fisher
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005
(202) 434-5000 (telephone)
(202) 434-5029 (facsimile)

Attorneys for Plaintiffs
Bayer HealthCare AG,
Bayer Pharmaceuticals, Corp.,
Alcon, Inc. and
Alcon Research, Ltd.

/s/ Richard D. Kirk

Richard D. Kirk (#922)
rkirk@bayardfirm.com
Ashley B. Stitzer (#3891)
astitzer@bayardfirm.com
THE BAYARD FIRM
222 Delaware Ave., Suite 900
P.O. Box 25130
Wilmington, DE 19899
(302) 655-5000 (telephone)

OF COUNSEL:

Bruce M. Gagala
M. Daniel Hefner
Douglas A. Robinson
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza
180 N. Stetson Avenue, Suite 4900
Chicago, IL 60601
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Attorneys for Defendant
Teva Pharmaceuticals USA, Inc.

Dated: February 25, 2008